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**AUG 30 2010**

**OFFICE OF PETITIONS**

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WASHINGTON DC 20005

In re Patent No. 7,732,494  
Issued: June 8, 2010  
Application No. 10/548,407  
Filed: September 8, 2005  
Atty. Dkt. No.: TAN-354

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: DECISION ON APPLICATION FOR  
: PATENT TERM ADJUSTMENT UNDER  
: 37 CFR 1.705(d)  
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This is a decision on the "Application for Patent Term Adjustment Under 37 C.F.R. §1.705(d)," filed August 7, 2010.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(d) is DISMISSED.

The above-identified application matured into U.S. Patent No. 7,732,494 on June 8, 2010. The instant request for reconsideration was timely filed August 7, 2010 in accordance with 37 CFR 1.705(d). The patent issued with a PTA of 726 days.

Patentees argue that the application is entitled to an overall adjustment of 764 days based on an adjustment "A" delay of 595 days, an adjustment of "B" delay of 255 days less 105 days of applicant delay. Patentees contest the "A" adjustment of 576 days and assert that the correct adjustment in this regard is 595 days.

Patentees are advised that any request for reconsideration under 37 CFR 1.705(d) that raises issues that were raised, or could have been raised, in an application for patent term adjustment under 37 CFR 1.705(b) shall be dismissed as untimely as to those issues. As the 576 day adjustment contested by patentees could have been raised under 37 CFR 1.705(b), patentees' request for reconsideration of said reduction is dismissed as untimely.

In view thereof, the adjustment of 576 days accorded under 37 CFR 1.702(a)(1) will not be reconsidered.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Receipt is acknowledged of the required patent term adjustment application fee of \$200.00.

Telephone inquiries specific to this matter may be directed to the undersigned at (571) 272-3205.

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